IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.11168 OF 2006

Dated : February 19, 2007

Between:

E.Eswara Rao

Petitioner

AND

The Commissioner of Police,
Visakhapatnam,
Visakhapatnam District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.11168 OF 2006

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R. VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a

‘petition, dated 08.04.2006, by one E.Eswara Rao, Visakhapatnam, complaining that a minor girl by name Thati Manga, D/o. one Ramu, who is an accused in an offence under Section-498-A of the Indian Penal Code, for subjecting her sister-in-law to harassment in connection with dowry, was remanded to judicial custody in Central Prison, Visakhapatnam, showing her age as 19 years.

3. On a bare perusal of the allegations made in the complaint, we are of the view that it is desirable to enquire into the age of the alleged girl. In order to resolve that controversy, the alleged girl had been referred to a team of Doctors, Osmania General Hospital, Hyderabad, and upon such reference, the said team of Doctors have examined the girl and determined her age as ‘15’ years. Of course, it is settled law that the age may vary one or two years, either way, after such determination by the Doctors.

4. However, it is also on record that, even as per the complaint made by the petitioner, the said girl was arrested and sent to judicial remand.

5. At this stage, the learned Government Pleader for Home submits that the said girl had been released on bail in the month of April, 2006, itself in due process.

6. The learned Government Pleader for Home further submits that charge sheet had already been filed aginst the other acused, but no such charge sheet could be filed against the said girl - Thati Manga, because of the controversy pending before this Court in the shape of this taken up writ petiton.

7. In such circumstances and on the report given by the team of Doctors, Osmania General Hospital, Hyderabad, we deem it appropriate to permit the respondents to unleash further course of action, as permitted under law. The determination of the age of the

said girl would be a factor to be decided by the Court during the adjudication of the criminal case, after the charge sheet is filed.

8. We do hereby clarify that the observations made herein shall not be understood as a direction to the police to file the charge sheet, as such. It is only an observation made in the light of the submissions made by the learned Government Pleader for Home that charge sheet is likely to be filed against the said girl by name Thati Manga. We only clarify that further investigation and further course of law should be initiated notwithstanding the age of the said girl. This aspect would be considered by the Court at appropriate stage. Thererfore, we do not find any reason to continue the present writ petition any longer.

9. With the above observations and directions, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.Varma, J.

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D.Appa Rao, J.

January 19, 2007
MAS